# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/887,499 | 06/22/2001 | Luigi Schiuma | GB920000072US1 | 7715 |

7590 03/28/2005

RONALD A. E'ALESSANDRO, ESQ.
HOFFMAN, WARNICK & D"ALESSANDRO LLC
THREE E-COMM SQUARE
ALBANY, NY 12207

| EXAMINER | |
|---|---|
| COFFY, EMMANUEL | |
| **ART UNIT** | **PAPER NUMBER** |
| 2157 | |

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/887,499 | SCHIUMA, LUIGI | |
| | Examiner | Art Unit | |
| | Emmanuel Coffy | 2157 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☒ Claim(s) *19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

### *Response to Amendment*

1. This action is responsive to the amendment filed on December 28, 2004. Claims 1-11 are amended. Claims 12-19 are added. Claims 1-19 represent an application, system and software for a "Multi-platform Application."

### *Response to Arguments*

2. In the remarks, applicant argues that "Kraslavsky fails to teach or suggest a table for storing a plurality of IPX/SPX network segment addresses and the number of hops each segment is from the computer accessing said table." The applicant further stated that the "Office erroneously attempts to equate this feature with the table of entry points into various service routines provided by the LSL in Kraslavsky." The applicant cited numerous columns and line numbers pointing to different facets of the Kraslavsky's invention in an attempt to distinguish the invention under examination with Kraslavsky's invention; for example applicant cited col. 2, lines 35-48 for the proposition that the invention in Kraslavsky deals with dynamically reconfiguring frame type assignments and protocol stacks for a network device from a remote device.

Kraslavsky reads as follows in col. 2, lines 35-48:

> Accordingly, a way is needed to remotely reconfigure the frame type assignments and the loaded protocol stacks for a peripheral, and the reconfiguration must be possible regardless of the protocol and frame type currently in use by the device from which the reconfiguration is performed
>
> SUMMARY OF THE INVENTION
>
> These needs are addressed by the present invention, in which the protocol stacks loaded in a network device and/or the frame type assigned to each loaded protocol stack can be dynamically reconfigured from a remote device regardless of the protocol used by the remote device.

The Examiner submits that contrary to applicant's assertions Kraslavsky teaches a network interface device which can communicate with other devices via a local area

network using various protocols and frame types and which can be remotely reconfigured to use different protocols and frame types. (See abstract)

As for the argument that Kraslavsky fails to teach or suggest a table for storing a plurality of IPX/SPX network segment addresses and the number of hops each segment is from the computer accessing said table, applicant is directed to col. 8, lines 13-27 wherein Kraslavsky discloses the Link Support Layer (LSL) as a multiplexer software module which multiplexes between MLID and the protocol stack modules. An IPX protocol stack module for supporting IPX/SPX protocol stack module is also provided. An artisan of ordinary skill in the art would know that a multiplexing function tacitly encompasses a table. Kraslavsky may not specifically disclose the number of hops each segment is from the computer accessing the table. However, Rune discloses this concept at col. 4, lines 37-43 as outlined in the First Office Action, which articulated a prima facie case of obviousness rejecting the claims under examination.

Furthermore, in response to applicant's arguments against the reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. Applicant next argued that Kraslavsky fails to teach or suggest IPX/SPX Routing Information Protocol (RIP) request packet sending means adapted to transmit an RIP request packet across an IPX/SPX network. Moreover, applicant asserted that (a) Kraslavsky fails to teach or suggest IPX/SPX Routing Information Protocol (RIP)

response packet receiving means adapted to receive RIP response packets in response to the RIP request packet; (b) Kraslavsky never teaches or suggests transmitting an application defined packet to network segments.

As stated above, Kraslavsky may not specifically disclose these specific limitations as claimed. However, Rune unequivocally discloses this concept at col. 4, lines 37-43 (also see Fig. 4, 5, 7, 8, 9, 10) as outlined in the First Office Action, which articulated a prima facie case of obviousness rejecting the claims under examination.

The test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

4. Applicant alleged that there is no motivation to combine the references. This assertion was followed by a recitation of what applicant purports are the teachings of Kraslavsky. However, applicant unwittingly admits that Rune covers a method to store in a table the addresses of homologous servers and to provide to the requesting client one of the servers that is selected using a "shorter distance" concept in a TCP/IP network. (page 15 of 16)

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case the motivation articulated in the First Office Action is found in the secondary reference. (See Rune col. 1, lines 43-51.)

5. As to claim 12, it is now being presented for examination; applicant is invited to peruse the rejection that follows.

6. Applicant's arguments have thus been fully considered but they are not persuasive. In response to Applicant's arguments, 37 CFR § 1.111(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

7. The claims save the newly added ones namely claims 12-19 stand rejected as articulated in the First Office Action (see below) and all objections not addressed in Applicant's response are herein reiterated.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 3-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913.)

Kraslavsky teaches the invention substantially as claimed including a network interface device which can communicate with other devices via a local area network (LAN) using various protocols and frame types, and which can be remotely reconfigured to use different protocols and frame types. (See abstract).

Claim 1:

Referring to claim 1, Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol, said application comprising: (See Fig. 9(a), 9(b), (9c), 9(d) (182)).

means for accessing a table for storing a plurality of IPX/SPX network segment addresses and the number of hops each segment is from the computer accessing said table; (See col. 14, lines 48-53.)

IPX/SPX Routing Information Protocol (RIP) request packet sending means adapted to transmit an RIP request packet across an IPX/SPX network; (See col. 13, lines 1-27; col. 14, lines 37-47).

IPX/SPX Routing Information Protocol (RIP) response packet receiving means adapted to receive RIP response packets from within a pre-determined number of

network hops and to store the network segment addresses and the number of hops each segment is from the computer contained in said RIP response packets in said table; (See col. 11, lines 11-48).

IPX/SPX broadcast means responsive to an application request to transmit an application defined packet to network segments within a pre-determined number of hops stored in said table. (See col. 13, lines 51-57).

Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol. Kraslavsky fails to specifically teach receiving RIP response packets from within a specific number of network hops. However, Rune teaches this concept extensively. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network. Therefore, claim 1 is rejected.

Claim 3:

Referring to claim 3, Kraslavsky substantially teaches the invention including an application according to claim 2 wherein said IPX/SPX Routing Information Protocol (RIP) request packet sending means is responsive to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL), to transmit said RIP request packet across an IPX/SPX network.

Kraslavsky teaches a communication system that uses various protocols and frame types (See above). Kraslavsky does not specifically teach a response from a

DNS server indicating failure. However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-38).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network. Therefore, claim 3 is rejected.

Claim 4:

Referring to claim 4, Kraslavsky substantially teaches the invention including an application according to claim 2 wherein said IPX/SPX Routing Information Protocol (RIP) request packet sending means is adapted to periodically transmit said RIP request packet across an IPX/SPX network. (See col. 11, line 49 – col. 12, line 37).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the communication system taught by Kraslavsky. Therefore, claim 4 is rejected.

Claim 6:

Referring to claim 6, Kraslavsky substantially teaches the invention including an application as claimed in claim 5 wherein said application is adapted to communicate using a TCP/IP protocol and further comprising: means, responsive to no reply being received for said name request, for transmitting a TCP/IP name request for a TCP/IP server providing said service.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS)

response indicating failure to locate a web server corresponding to a uniform resource locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-38).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network. Therefore, claim 6 is rejected.

Claim 7

An application as claimed in claim 1 wherein said computer is a multi-platform router also adapted to communicate using a TCP/IP protocol, said router comprising: means, responsive to a domain name server (DNS) response for a client indicating failure to locate a web server corresponding to a uniform resource locator (URL) required at said client, for causing said IPX/SPX broadcast means to transmit a name request for an IPX/SPX server providing a service corresponding to said URL; and means, responsive to receipt of a response to said name request containing an IPX/SPX address of an IPX/SPX server, for relaying said address to said client enabling peer-to-peer communication between said client and said IPX/SPX server.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-56).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Claim 8:

An application as claimed in claim 1 wherein said computer is a multi-platform router also adapted to communicate using a TCP/IP protocol, said router comprising: means, responsive to a domain name server (DNS) request from a client, for causing said IPX/SPX broadcast means to transmit a name request for an IPX/SPX server providing a service corresponding to said URL; and means, responsive to receipt of a response to said name request containing an IPX/SPX address of an IPX/SPX server, for relaying said address to said client enabling peer-to-peer communication between said client and said IPX/SPX server.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-56).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Claim 9;

A multi-platform application as claimed in claim 1 wherein said computer is a server. (See col. 11, lines 49-64.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the communication system taught by Kraslavsky.

Claim 10:

A computer program product comprising computer program code stored on a computer readable storage medium for, when executed on a computing device, communicating using at least an IPX/SPX protocol, the program code comprising the application of claim 1. (See claim 1 rejection above.)

Claim 11:

In a computer connected to a network, a method for communicating using at least an IPX/SPX protocol, comprising the steps of:

transmitting a Routing Information Protocol (RIP) request packet across an IPX/SPX network; (See col. 13, lines 1-27; col. 14, lines 37-47.)

receiving one or more RIP response packets from within a pre-determined number of network hops;

storing in a table a plurality of IPX/SPX network segment addresses and the number of hops each segment is from the computer accessing said table contained in said RIP response packets; and (See col. 14, lines 48-53.)

responsive to an application request, transmitting an application defined packet to network segments within a pre-determined number of hops stored in said table.(See col. 13, lines 51-57.)

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913) in further view of Ogus (U.S. 6,587,875) and further in view of Spence et al. (US 6,185,600).

Claim 2:

Referring to claim 2, Kraslavsky substantially teaches the invention including an application according to claim 1 wherein said application is a multi-platform Internet browser adapted to communicate using a TCP/IP protocol and further comprising:

means, responsive to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL), for causing said IPX/SPX broadcast means to transmit a name request for an IPX/SPX server providing a service corresponding to said URL; and

means, responsive to receipt of a response to said name request containing an IPX/SPX address of an IPX/SPX server, for relaying said address to said application enabling peer-to-peer communication between said application and said IPX/SPX server.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-38).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with

the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Neither Kraslavsky nor Rune discloses peer-to-peer communication. However, Ogus teaches peer-to-peer communication at col. 3, line 66 – col.4, line 6). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky and the DNS server disclosed by Rune with the peer-to-peer communication disclosed by Ogus . Such a system would provide flexibility to the network.

Neither Kraslavsky and Rune nor Ogus discloses multi-platform Internet browser adapted to communicate using a TCP/IP protocol. However, Spence teaches a universal event browser by providing a single front-end universal user interface generator, which communicates with the user via the client's local internet browser. (See col. 2, lines 7-12). Such a system enables a heterogeneous system to view different vendors products. Therefore, claim 2 is rejected.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913), and further in view of Ogus (U.S. 6,587,875).

Referring to claim 5, Kraslavsky teaches the invention substantially as claimed including an application according to claim 1 comprising: means for causing said IPX/SPX broadcast means to transmit a name request for an IPX/SPX server providing a service; and means, responsive to receipt of a response to said name request containing an IPX/SPX address of an IPX/SPX server, for relaying said address to said

application enabling connection oriented peer-to-peer communication between said application and said IPX/SPX server. (See col. 13, line 1-7; col. 11, lines 11-48).

Kraslavsky teaches means for causing an IPX/SPX broadcast. Kraslavsky does not specifically teach transmission of a name request for an IPX/SPX server providing a service and peer-to-peer communication. However, Rune teaches a method and Internet system that responds to a DNS host request. (See col. 4, lines 28-37; col. 5, lines 27-38). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol. Kraslavsky fails to specifically teach receiving RIP response packets from within a specific number of network hops. However, Rune teaches this concept extensively. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network.

11. Claims 12-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kraslavsky (US 5,699,350) in view of Rune (US 6,304,913.) and in further view of Chen et al. (US 6,549,882.)

Claim 12:

A system for simulating a TCP/IP environment in an IPX/SPX network, the system comprising:

a request sender for sending an IPX/SPX Routing Information Protocol (RIP) request packet to IPX subnets connected within a specified number of hops; (See col. 13, lines 1-27; col. 14, lines 37-47.)

a responses collector for receiving responses to the RIP request packet from the IPX subnetys, each response having a response IPX NetNumber and a response number of hops; and (See col. 11, lines 11-48.)

a response filter for filtering the responses to remove responses in which the response number of hops is greater than the specified number of hops to produce a set of network numbers,

wherein the set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers.

The recitation "system for simulating a TCP/IP environment in an IPX/SPX network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol. Kraslavsky fails to specifically teach a response from a number of hops. However, Rune teaches this concept extensively. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network.

Neither Kraslavsky nor Rune teach filter for filtering responses. However, Chen extensively discloses a filter. See Fig. 2, Fig. 3A, col. 2, lines 13-19.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky and the hop count system disclosed by Rune with the filtering process disclosed by Chen. Such a system would improve efficiency of the network by discriminating against responses from servers that are greater than a predefined number.

Claim 13:

The system of claim 12, wherein the responses filter further stores the set of network numbers in a table.

Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol. Kraslavsky fails to specifically teach a response from a number of hops. However, Rune teaches this concept extensively and Rune also teaches

storing the addresses in a database (i.e. a table.) (See Fig. 4, 5, 7, 8, 9, 10; col. 4, lines 37-43 and col. 10, lines 25-27.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network.

Neither Kraslavsky nor Rune teach a filter storing the numbers in a table. However, Chen extensively discloses a filter taking actions if some conditions are met. (See col. 4, line 64-col. 5, line 6.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky and the hop count system disclosed by Rune with the filtering process disclosed by Chen. Such a system would improve efficiency in that reference can be readily made to the table rather than repeating the same steps if and when the same conditions are encountered.

Claim 14:

The system of claim 13, wherein the table of network numbers may be accessed to locate a server located on an IPX/SPX network in the case of a failure to locate a corresponding TCP/IP address for a web server.

.Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL).

However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-56).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Claim 15:

The system of claim 12, further comprising an IPX/SPX broadcast module for broadcasting the IPX/SPX packet to a selected subnet. (See col. 14, lines 58-61.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the communication system taught by Kraslavsky.

Claim 16:

The system of claim 15, wherein the IPX/SPX broadcast module uses a broadcast number of hops to indicate the selected subnet.

Kraslavsky teaches an IPX/SPX broadcast module adapted to obtain RARP's address of the nearest server. Kraslavsky fails to specifically teach number of hops indicating the selected subnet. However, Rune teaches this concept extensively. (See Fig. 4, 5, 7, 8, 9, 10 and col. 4, lines 37-43).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network.

Claim 17:

The system of claim 12, wherein the request sender sends the IPX/SPX Routing Information Packet in response to the sending of the IPX/SPX packet having a sending number of hops that is greater than the specified number of hops.

Kraslavsky teaches an application operable on a computer adapted to communicate using at least an IPX/SPX protocol. Kraslavsky fails to specifically teach a packet having a sending number of hops. However, Rune teaches this concept extensively and Rune also teaches storing the addresses in a database (i.e. a table.) (See Fig. 4, 5, 7, 8, 9, 10; col. 4, lines 37-43 and col. 10, lines 25-27.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the hop count system disclosed by Rune. Such a system would improve efficiency of the network.

Neither Kraslavsky nor Rune teach a filter taking actions if some conditions are met. However, Chen extensively discloses a filter taking actions if some conditions are met. (See col. 4, line 64-col. 5, line 6.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky and the hop count system disclosed by Rune with the filtering process disclosed by Chen. Such a system would improve efficiency in that reference can be readily made to the table rather than repeating the same steps if and when the same conditions are encountered.

Claim 18:

The system of claim 12, wherein the request sender sends the IPX/SPX Routing Information Packet in response to a DNS response indicating a failure to locate a TCP/IP address for a requested web server.

Kraslavsky teaches means for causing an IPX/SPX broadcast and communication using TCP/IP protocol. (See col. 11, lines 11-26; col. 13, lines 1-6, 28-50). Kraslavsky does not specifically disclose response to a domain name server (DNS) response indicating failure to locate a web server corresponding to a uniform resource locator (URL). However, Rune specifically discloses a DNS server failing to locate a host. (See col. 5, lines 27-56).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the communication system taught by Kraslavsky with the DNS server disclosed by Rune. Such a system would provide efficacy to the network.

Claim 19:

The system of claim 12, wherein the request sender periodically sends the IPX/SPX Routing Information Packet according to a pre-defined schedule.

This claim is objected to for depending upon a rejected claim.

**Conclusion**

12. **THIS ACTION IS MADE FINAL.**

Applicant's addition of new claims (amendment) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
March 9, 2005

SALEH NAJJAR
PRIMARY EXAMINER